

Proposed Changes to Title 5 Section 80043 Pertaining to the Eminence Credential Application Appeal and Denial Process

February 15, 2002

Summary

At the February 2002 Commission meeting, staff presented proposed changes to Title 5 Section 80043 pertaining to the Eminence Credential Application Appeal and Denial Process. This proposed change would require school districts requesting reconsideration of a staff denial of an eminence application to present new evidentiary material relevant to the reason(s) for denial.

Fiscal Impact

There is no fiscal impact.

Policy Issues to be Resolved

Should the Commission approve the proposed changes that require school districts to submit additional information when requesting reconsideration of eminence credential denial?

Staff Recommendation

Staff recommends that the Commission approve the proposed changes to the California Code of Regulations, Title 5, Section 80043, pertaining to the Eminence Credential Appeal and Denial Process and direct staff to begin the rulemaking file for submission to the Office of Administrative Law and schedule a public hearing.

Background

At the November 2001 Commission meeting, the Commission discussed various proposed changes to the eminence credential appeal and denial process. Under the current process, an employing school district may appeal staff's denial of an eminence credential solely upon request and not based on the merits of the denial.

At the February 2002 Commission meeting, staff presented an information item that introduced proposed regulatory language changing the appeal and denial process. The proposed language required that school districts requesting reconsideration of a staff denial of an eminence application present new evidentiary material relevant to the reason(s) for denial that was not available at the time the application was initially submitted to the Commission. If upon evaluation of this additional material, staff found no new evidence to support the applicant's eminence, staff would place the district eminence applications on a Commission consent calendar with a recommendation for final denial.

It was the consensus of the Commission that staff present the proposed regulatory language at the March 2002 Commission meeting for review and action.

Proposed Changes to Title 5 Regulations

Section 80043.(c)(2)(A)—Language is added to require additional, relevant supporting information be submitted by a school district when requesting reconsideration of a staff denial.

Section 80043.(c)(2)(B)—Language is added allowing staff to forward previously denied eminence applications to the Commission that now appear to meet the Commissions definition of eminence.

Section 880043.(c)(2)(C)—Language is added that provides Commission consent calendar process for final denial of a school districts eminence application.

§ 80043. Statement of Employment and Verification of Qualifications.

- (a) When considering an application for an Eminence Credential, the Commission shall be guided by the following definition of an eminent individual: The eminent individual is recognized as such beyond the boundaries of his or her community, has demonstrably advanced his or her field and has been acknowledged by his or her peers beyond the norm for others in the specific endeavor. The employing school district shall demonstrate how the eminent individual will enrich the educational quality of the school district and not how he or she will fill an employment need.
- (b) Pursuant to Section 44262 of the Education Code, issuance of an Eminence Credential shall be based upon a recommendation from the governing board of the school district, a statement of employment, submission of the fee(s) established in Section 80487 and a verification of the applicant's eminence qualifications.
 - (1) The Statement of Employment in the district shall include the proposed assignment of the credential applicant, and a certification of the intention of the district to employ the applicant if granted an Eminence Credential.
 - (2) The verification of eminence qualifications of an applicant for an Eminence Credential shall include:
 - (A) Recommendations, which may be from, but need not be limited to, the following: professional associations; former employers; professional colleagues; any other individuals or groups whose evaluations would support eminence; and
 - (B) Documentation of achievement, which may include, but need not be limited to, the following: advanced degrees earned; distinguished employment; evidence of related study or experience; publications; professional achievement; and recognition attained for contributions to his or her field of endeavor.
 - (3) The Commission shall provide notice to the public of those individuals for whom it is considering issuing Eminence Credentials. Any association, group, or individual may provide the Commission with a written statement regarding the qualifications of an individual under consideration for an Eminence Credential.
- (c) The Commission may assign certification staff the authority to review eminence applications to determine if an individual meets the definition of eminence pursuant to Section 44262 of the Education Code and (a) above.
 - (1) If staff concludes an applicant meets the definition, staff shall forward the application to the Commission for review and action at the next available meeting.
 - (2) If staff concludes an applicant does not meet the definition, staff shall deny the application.
 - (A) If the staff denies an application for eminence, the employing school district requesting the Eminence Credential ~~may request the Commission to a review the staff decision.~~ may request that staff reconsider its determination upon submission of new evidentiary material relevant to the reason(s) for denial, that were not available at the time the application was initially submitted to the Commission.

- (B) ~~If the Commission takes action to hear the school district's application, it will be scheduled for a subsequent meeting when the Commission votes to grant or deny the Eminence Credential.~~ If staff determines that, based on the new supporting information, the applicant now meets the definition of eminence, staff shall forward the application to the Commission for review and action at the next available Commission meeting.
- (C) If upon review of the new supporting information, staff determines that there is no new evidence that provides additional support of the applicant's eminence, the district's eminence application will be placed on the Commissions consent calendar with a staff recommendation for denial.

NOTE: Authority Cited: Section 44225, Education Code. Reference: Section 44262, Education Code.